

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

SHELDON SHAFFER TRUST DTD 3/26/1996;
ESTATE OF SHELDON SHAFFER; and
DIANNE H. SHAFFER, in her capacity as
Personal Representative of the Estate of Sheldon
Shaffer and in her capacity as Successor Trustee of
the Sheldon Shaffer Trust DTD 3/26/1996,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04873 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants Sheldon Shaffer Trust dtd

3/26/1996; Estate Of Sheldon Shaffer; and Dianne H. Shaffer, in her capacity as Personal Representative of the Estate of Sheldon Shaffer and in her capacity as Successor Trustee of the Sheldon Shaffer Trust dtd 3/26/1996 (“Defendants”), by and through their counsel, Blake Shepard of Stinson Leonard Street LLP and Tracy L. Klestadt of Klestadt Winters Jureller Southard & Stevens, LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed and served the Complaint against Sheldon Shaffer Trust Dtd 3/26/1996 and Sheldon Shaffer, individually and in his capacity as trustee of the Sheldon Shaffer Trust dtd 3/26/1996.

2. On October 15, 2012, a Stipulation for Substitution of Defendant Sheldon Shaffer, deceased, with Defendant Dianne H. Shaffer, in her capacity as Personal Representative of the Estate of Sheldon Shaffer and in her capacity as Successor Trustee of the Sheldon Shaffer Trust dtd 3/26/1996 was filed.

3. On April 21, 2014, Defendants Sheldon Shaffer Trust dtd 3/26/1996; Estate Of Sheldon Shaffer; and Dianne H. Shaffer, in her capacity as Personal Representative of the Estate of Sheldon Shaffer and in her capacity as Successor Trustee of the Sheldon Shaffer Trust dtd 3/26/1999 served an answer on the Trustee.

4. On March 25, 2015, the Parties entered into a partial settlement agreement and stay of further proceedings until resolution of Bankruptcy Code Section 546(e) appeal pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].

5. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with

prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

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Dated: July 1, 2015

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Madoff Investment Securities LLC and the
Estate of Bernard L. Madoff*

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*Attorneys for Defendants Sheldon Shaffer
Trust DTD 3/26/1996, Estate of Sheldon
Shaffer, and Dianne H. Shaffer, in her
capacity as Personal Representative of the
Estate of Sheldon Shaffer and in her
capacity as Successor Trustee of the
Sheldon Shaffer Trust dtd 3/26/1996*

SO ORDERED

/s/ Stuart M. Bernstein
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

Dated: July 1, 2015
New York, New York